

S/N 10/017,800

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric G. Lovett et al.

Examiner: George R. Evanisko

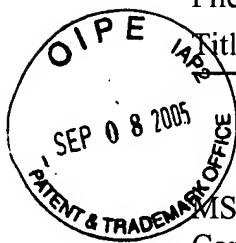
Serial No.: 10/017,800

Group Art Unit: 3762

Filed: December 12, 2001

Docket: 279.353US1

Title: RATE SMOOTHING CONTROL



TERMINAL DISCLAIMER

MS: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

I, Timothy E. Bianchi, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on March 1, 2002. I am making this petition on behalf of Cardiac Pacemakers, Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Cardiac Pacemakers, Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/017,800) and to U.S. Patent No. 6,501,987. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Patent No. 6,501,987 was recorded on October 10, 2000 on Reel 011152, Frames 0452 - 0455, with the United States Patent and Trademark Office. The above-identified patent application (Serial No. 10/017,800) is a continuation-in-part of U.S. Patent No. 6,501,987, which in turn is a continuation-in-part of U.S. Patent Application No. 09/570,091 now abandoned.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Cardiac Pacemakers, Inc., seeking to take the action set forth in this disclaimer.

09/09/2005 EAYALEW1 00000037 190743 10017800

01 FC:1814

130.00 DA

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 6,501,987. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,501,987 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,501,987 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), is reissued, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

Fee Status

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC G. LOVETT ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6912

Date Sept. 6, 2005

By


Timothy E. Bianchi
Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of September, 2005.

Name Paula Szczyj

Signature Paula Szczyj